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VIDAS, ARRETT & STEINKRAUS
6109 BLUE CIRCLE DRIVE, SUITE 2000
MINNETONKA, MN 55343-9185

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OFFICE OF PETITIONS

In re Patent No. 5,922,021 :
Issue Date: July 13, 1999 :
Application No. 08/845,657 : NOTICE
Filed: April 25, 1997 :
Attorney Docket No. S63.2-10743-US01 :

This is a notice regarding your request, filed April 17, 2007, for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This file is no longer entitled to small entity status. Accordingly, all future fees paid in this file must be paid at the large entity rate, absent further notification from a proper party of a change in status. *See* 37 CFR 1.27(c)(2).

As authorized, the \$1,130 fee deficiencies will be charged to petitioner's deposit account.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions